

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re: Michelle E. Williams  
Debtor**

**Case No. 18-35407-KRH  
Chapter 13**

Address: 3212 Kim Drive  
Richmond, VA 23224

Last four digits of Social Security No: xxx-xx-4902(Debtor)

**NOTICE OF MOTION FOR HARDSHIP DISCHARGE**

The above named Debtor, by counsel, has filed a Motion for Hardship Discharge with the Court pursuant to 11 U.S.C. § 1328(b).

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

**UNDER LOCAL BANKRUPTCY RULE 9013-1, UNLESS A WRITTEN RESPONSE IN OPPOSITION TO THIS MOTION AND SUPPORTING MEMORANDUM ARE FILED WITH THE CLERK OF COURT AND SERVED ON THE MOVING PARTY WITHIN 21 DAYS OF THE SERVICE OF THIS NOTICE, THE COURT MAY DEEM ANY OPPOSITION WAIVED AND TREAT THE MOTION AS CONCEDED.**

**A HEARING ON THE ABOVE REFERENCE MOTION IS SCHEDULED FOR: November 29, 2023 at 12:00 p.m. before the Honorable Kevin R. Huennekens, United States Bankruptcy Court, 701 E. Broad Street, Room 5100, Richmond, VA 23219.**

The written response in opposition to this motion must be filed with the clerk of court at the address shown below. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Laura T. Alridge (VSB #92593)  
Boleman Law Firm, P.C.  
P. O. Box 11588  
Richmond, VA 23230-1588  
Telephone: (804) 358-9900  
Counsel for Debtor

Clerk of Court  
United States Bankruptcy Court  
701 E. Broad Street, Suite 4000  
Richmond, VA 23219-3515

- You must also send a copy to:

Boleman Law Firm, P.C.  
P. O. Box 11588  
Richmond, VA 23230-1588

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: October 26, 2023

Respectfully submitted,  
Michelle E. Williams

By Counsel:

/s/ Laura T. Alridge  
Laura T. Alridge (VSB #92593)  
Boleman Law Firm, P.C.  
P. O. Box 11588  
Richmond, Virginia 23230-1588  
Telephone: (804) 358-9900  
Counsel for Debtor

#### CERTIFICATE OF SERVICE

I certify that on October 26, 2023, I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtors, Chapter 13 trustee, the United States Trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1, and to all creditors and parties in interest of the mailing matrix attached hereto.

/s/ Laura T. Alridge  
Counsel for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT  
Eastern District of Virginia  
Richmond Division**

**In re: Michelle E. Williams  
Debtor**

**Case No. 18-35407-KRH  
Chapter 13**

**MOTION FOR HARDSHIP DISCHARGE AND  
MEMORANDUM IN SUPPORT THEREOF**

**COMES NOW** Michelle E. Williams (the “Debtor”), by counsel, pursuant to 11 U.S.C. § 1328(b) and files the following Motion for Hardship Discharge, and affirmatively states as follows:

**Jurisdiction**

1. Jurisdiction of this Court over the instant matter is based upon 28 U.S.C. §§1334 and 157 in that this action arises in and relates to the bankruptcy case of the Debtor.
2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A).
3. Venue is proper pursuant to 28 U.S.C. §1409.

**Background Facts**

4. On October 26, 2018, the Debtor filed a petition under Chapter 13 of the Bankruptcy Code. Suzanne E. Wade is the Chapter 13 Trustee in this case (the “Trustee”).
5. The Modified Chapter 13 Plan was filed on September, 18, 2019 and confirmed on April 10, 2019.
6. In the instant case, the Modified Chapter 13 Plan called for \$ 175.00 per month for 4 months, and \$ 225.00 for 56 months, for a total funding of \$ 13,300.00.

### **Discussion**

7. Pursuant to 11 U.S.C. § 1328(b), Debtor must demonstrate to the Court that (1) her failure to complete plan payments is due to circumstances for which she should not justly be held accountable, (2) the value of property distributed under the plan to unsecured creditors is not less than what would have been paid to each creditor if her estate had been liquidated under a Chapter 7 case, and (3) modification of the plan under 11 U.S.C. § 1329 is not practicable.

### **Argument**

8. The Debtor is not currently employed full time, and is unable to afford to bring her case current with the Trustee. She is no longer receiving unemployment benefits and has used a

9. At the time of Debtor's Chapter 13 filing, Debtor did not possess any assets that would result in any distribution to unsecured creditors in a Chapter 7 bankruptcy case. The Chapter 13 Trustee has not paid any distribution to the unsecured creditors, however the unsecured creditors have not been paid less than what they would have received in a Chapter 7 Bankruptcy.

10. Because Debtor is in the 60<sup>th</sup> month of her case, a modified plan is not feasible.

11. The Debtor has satisfied all requirements necessary for discharge under 11 U.S.C. § 1328(b).

WHEREFORE, for the foregoing reasons, the Debtor, by counsel, respectfully requests this Honorable Court to enter an Order granting the Debtor a Discharge pursuant to 11 U.S.C. Section 1328(b) and grant such other relief as may be just and

appropriate.

**Michelle E. Williams**

By: /s/ Laura T. Alridge  
Laura T. Alridge (VBS #42549)  
Boleman Law Firm, P.C.  
P.O. Box 11588  
Richmond, VA 23230  
Telephone (804)358-9900  
Counsel for Debtor

**CERTIFICATE OF SERVICE**

I certify that on October 31, 2023 I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtor, Chapter 13 trustee, the United States trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1, and to all creditors and parties in interest on the mailing matrix attached hereto.

/s/ Laura T. Alridge  
Counsel for Debtor

ADT Security  
RE: Bankruptcy  
PO Box 650485  
Dallas, TX 75265

American Web Loan  
Re: Bankruptcy  
522 N. 14th St. #130  
Ponca City, OK 74601

Ashley Village Community Assoc  
7231 Forest Avenue  
Suite 102  
Richmond, VA 23226

AT&T  
Attention: Bankruptcy Dept.  
P.O. Box 536216  
Atlanta, GA 30353

Beachbody  
P.O. Box 406  
Farmingdale, NY 11735

Big Valley Financial  
PO Box 163  
Finley, CA 95435

Boulders Ambulatory Surgery  
1115 Boulders Parkway  
Suite 210  
Richmond, VA 23225

BWW Law Group, LLC  
8100 Three Chopt Rd, Suite 240  
Henrico, VA 23229

Cameo Dragon  
416 East Main Street  
Richmond, VA 23219

Capital One Bank USA NA  
PO Box 30281  
Salt Lake City, UT 84130

CJW Medical Center  
PO Box 13620  
Richmond, VA 23225

Commonwealth Anesthesia Assoc.  
Attn: Bankruptcy Dept.  
PO Box 35808  
Richmond, VA 23235

County of Chesterfield  
Treasurer  
P.O. Box 40  
Chesterfield, VA 23832

Credit One Bank  
PO Box 60500  
San Gabriel, CA 91776-0500

Dept of Ed/Navient  
PO Box 9635  
Wilkes Barre, PA 18773

DirecTV  
Attn: Bankruptcy Claims  
PO Box 6550  
Englewood, CO 80155

Edward S. Whitlock  
10160 Staples Mill Road  
Suite 105  
Glen Allen, VA 23060

First Premier Bank  
Attn: Bankruptcy Dept.  
PO Box 5524  
Sioux Falls, SD 57117-5524

First Virginia  
6785 Bobcat Way  
Suite 200  
Dublin, OH 43016

GEICO  
One GEICO Blvd.  
Fredericksburg, VA 22412-0001

IC Systems  
444 Hwy 96 East  
PO Box 64137  
Saint Paul, MN 55164-0137

Jag Construction  
5907 Blackjack Oak Court  
Richmond, VA 23234

Keith Yacko, Esq.  
McMichael Taylor Gray, LLC  
3550 Engineering Dr., Ste. 260  
Peachtree Corners, GA 30092

Lafayette, Ayers & Whitlock  
10160 Staples Mill Rd  
Ste 105  
Glen Allen, VA 23060

LVNV Funding LLC  
c/o Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

New Generations Federal Credit  
Attn: Bankruptcy Dept.  
1700 Robin Hood Road  
Richmond, VA 23220

NTelos  
401 Spring Lane, Suite 300  
P.O. Box 1990  
Waynesboro, VA 22980

OrthoVirginia  
P.O. Box 35725  
Richmond, VA 23235-0725

Public Savings Bank  
1 Church Street  
Rockville, MD 20850

Radiology Assoc. of Richmond  
2602 Buford Rd.  
Richmond, VA 23235

Rushmore Loan Management Servi  
P.O. Box 55004  
Irvine, CA 92619-2708

Strayer University  
Re: Bankruptcy  
11501 Nuckols Road  
Glen Allen, VA 23060

Wells Fargo Home Mortgage  
3480 Stateview Blvd  
Fort Mill, SC 29716